

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014110407
v.	
CAPISTRANO UNIFIED SCHOOL DISTRICT,	
CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2015010493
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING REQUEST FOR CONTINUANCE OF MEDIATION

On April 17, 2015, the parties filed a joint request to reschedule the date of mediation in the above-referenced matters. The parties did not request any change to the scheduled hearing dates.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. Mediation in this matter will be set as follows:

Mediation: April 29, 2015 at 1:00 PM<sup>1</sup>

IT IS SO ORDERED.

DATE: April 17, 2015

/s/

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JUNE R. LEHRMAN  
Presiding Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> Note change from usual OAH morning start time to accommodate parties' requested start time; however the mediation will still be concluded within normal business hours, within the discretion of the mediator.